

Legislative Analysis



WORKER FREEDOM ACT

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House Bill 4467

Sponsor: Rep. Mark Meadows

Committee: Labor

Complete to 6-16-09

A SUMMARY OF HOUSE BILL 4467 AS INTRODUCED 2-25-09

The bill would create a new act to be called the Worker Freedom Act, under which, generally, an employer could not require an employee to attend an employer-sponsored meeting or participate in any communication with the employer if the primary purpose is to communicate the employer's opinion about religious or political matters, including unionization.

Exceptions. The prohibition would not apply to either (1) meetings or communications of a religious, political, or labor organization directed to its employees; or (2) lectures or classes required of student instructors covering matters that are part of the regular coursework at an educational institution. It also would not apply when such action was necessary to comply with another law.

Scope of Bill. The bill refers specifically to an employer or an employer's agent, representative or designee. The term "employer" would include state government and political subdivisions. The term "employee" would include, in addition to other employees, research assistants, research fellows, teaching assistants, teaching fellows, postdoctoral associates, postdoctoral fellows, and medical interns and residents. The term "political matters" includes "political party affiliation or the decision to join or not to join any lawful political, social, or community group or activity or any labor organization."

Civil Enforcement Actions. An aggrieved employee could bring a civil action to enforce the act. An action could not be brought more than one year after the date of the last violation. The court would award damages and equitable relief, which could include reinstatement, to fully compensate the employee. The court would have to award a prevailing employee reasonable attorney fees and costs and could award up to three times actual damages as exemplary damages. This would be an alternative cause of action that may exist under any other law. It would not limit an employee's right to bring a common law cause of action for wrongful termination or diminish or impair rights under a collective bargaining agreement.

No Employer Retaliation. An employer would be prohibited from discharging, disciplining, or otherwise penalizing an employee (or threatening to) because the employee made a written or oral good faith report of a violation or a suspected violation of the act; brought an action to enforce the act; or cooperated in an investigation or

proceeding for enforcement of the act. This would not apply, however, if the employee knew the report or the information on which an action or investigation was based is false.

FISCAL IMPACT:

There is no significant fiscal impact on the State of Michigan or its local units of government. This assumes the increased Judiciary costs of civil suits arising from this bill can be recovered by the courts hearing such cases.

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